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Health Care Services (DHCS)
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9 IN THE UNITED STATES BANKRUPTCY COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION
12

13 In re

14 Tulare Local Healthcare District,

15 Debtor,

16 Tax ID #: 94-6002897
17 Address: 869 N. Cherry Street
18 Tulare, CA 93274

Case No. 17-13797

Chapter 9

DC No.: WJH-4

**DEPARTMENT OF HEALTH CARE
SERVICES' NOTICE OF MOTION AND
MOTION FOR LEAVE TO FILE
AMENDED PROOF OF CLAIM 197**

19 Date: May 27, 2020

Time: 9:30 a.m.

20 Place: 2500 Tulare Street

Fresno, CA 93721

Courtroom 13

21 Judge: The Honorable René Lastreto, II
22
23

24 **TO DEBTOR TULARE LOCAL HEALTHCARE DISTRICT AND ITS**
25 **ATTORNEYS OF RECORD:**

26 **PLEASE TAKE NOTICE** that on the above date and time in the above-entitled Court,
27 located at 2500 Tulare Street, 5th Floor, Fresno, California, or as soon thereafter as the matter can
28 be heard, Creditor Department of Health Care Services (DHCS) will move for leave to amend

1 Proof of Claim 197. Pursuant to Federal Rule of Bankruptcy Procedure 7015 and Federal Rule of
2 Civil Procedure 15, leave to amend should be granted because: (1) the Ninth Circuit has a liberal
3 policy favoring amendment; (2) the amendment simply provides more information about the
4 claim and does not constitute a new claim; (3) DHCS has not acted in bad faith or with
5 unreasonable delay; and (4) the amendment would not cause undue prejudice to Debtor.

6 The motion to amend will be based on this notice, the memorandum of points and
7 authorities and evidence filed herewith, any reply brief that is subsequently filed, the Court's file,
8 and the oral and documentary evidence to be presented at the hearing.

9 Pursuant to Local Bankruptcy Rule 9014-1(f)(1):

10 Opposition, if any, to the granting of the motion shall be in writing and shall be
11 served and filed with the Court by the responding party at least fourteen (14) days
12 preceding the date or continued date of the hearing. Opposition shall be accompanied
13 by evidence establishing its factual allegations. Without good cause, no party shall be
14 heard in opposition to a motion at oral argument if written opposition to the motion
has not been timely filed. Failure of the responding party to timely file written
opposition may be deemed a waiver of any opposition to the granting of the motion or
may result in the imposition of sanctions.

15 The opposition shall specify whether the responding party consents to the Court's
16 resolution of disputed material factual issues pursuant to Fed. R. Civ. P. 43(c) as made
17 applicable by Fed. R. Bankr. P. 9017. If the responding party does not so consent, the
18 opposition shall include a separate statement identifying each disputed material factual
19 issue. The separate statement shall enumerate discretely each of the disputed material
factual issues and cite the particular portions of the record demonstrating that a factual issue
is both material and in dispute. Failure to file the separate statement shall be construed as
consent to resolution of the motion and all disputed material factual issues pursuant to Fed.
R. Civ. P. 43(c).

20 The Court permits telephonic appearances. In order to appear by telephone, you must
21 contact Court Call at (866) 582-6878 at least 24 hours prior to the hearing. There is a fee charged
22 by Courtcall for telephonic appearances. Failure to be at the telephone number provided at the
23 time of the hearing will be treated as a failure to appear.

24 The Court may decide the matter in advance of the hearing and remove the matter from
25 calendar. Parties can ascertain which matters are resolved without oral argument and can view
26 tentative rulings by checking the Court's internet site at <http://www.caeb.uscourts.gov/> after 4
27 p.m. the day before the hearing.

1 Pursuant to Local Bankruptcy Rule 9014-(f)(1)(B), the failure to file a timely written
2 opposition may result in the motion being resolved without oral argument and the striking of the
3 untimely written opposition.

4
5 Dated: April 9, 2020

Respectfully submitted,

6 XAVIER BECERRA
Attorney General of California
7 NIROMI W. PFEIFFER
Supervising Deputy Attorney General

8
9 */s/ Grant Lien*

10 GRANT LIEN
Deputy Attorney General
11 *Attorneys for Creditor*
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